

**SELECTBOARD MEETING
TUESDAY, JANUARY 3, 2017
SELECTBOARD MEETING ROOM – 7:00 P.M.
AGENDA**

Note: Not all the topics listed in this notice may actually be reached for discussion. In addition, the topics listed are those which the chair reasonably expects will be discussed as of the date of this notice.

NOTE: ART RECEPTION FOR WALTER MORSE PRECEDING THE SELECTBOARD MEETING AT 6:30 P.M. THE PUBLIC IS WELCOME!

1. CALL TO ORDER/ROLL CALL
2. APPROVAL OF MINUTES *December 6, 2016 Regular Selectboard Meeting*
3. ANNOUNCEMENTS/OPEN FORUM
4. NEW BUSINESS
 - A. College By-Pass Parking Regulations
 - B. Youth Commission Dissolution
5. OTHER BUSINESS
 - A. General Code Update
 - B. Assignment of STM Articles/Review
6. APPOINTMENTS/RESIGNATIONS
 - A. Acceptance of Resignation of James Bright from Board of Appeals
7. TOWN ADMINISTRATOR REPORT
8. CHAIRMAN'S REPORT
9. CORRESPONDENCE
10. ADJOURN

**SELECTBOARD MEETING
TUESDAY, DECEMBER 6, 2016
SELECTBOARD MEETING ROOM – 7 P.M.
MINUTES**

Present were Members: Chair John R. Hine, Vice Chair Sarah Etelman, Clerk Bruce C. Forcier, Ira J. Brezinsky and Francis J. DeToma; Town Administrator Michael J. Sullivan.

Fire District #1 Prudential Committee members: Ray Miner, Kevin Taugher and Bruce Perron
Fire District #2 Prudential Committee members: Rick Constant, Kenneth McKenna and Robert Lak

At 7 p.m., Chair Hine called the meeting to order, noting that all members were present.

1. MINUTES

SB Member Brezinsky moved to approve the minutes of the November 15, 2016 regular Selectboard meeting. SB Member Etelman seconded. The motion passed unanimously 5:0.

2. ANNOUNCEMENTS

Park officials are gearing up for Santa's Land at Buttery Brook Park, SB Member Forcier announced. Santa's Land will be open this Thursday, December 8th through Sunday, December 11th from 5:30 to 7:30 p.m. and the following week on the same schedule. He encouraged visitors to bring cameras or cell phones for picture taking. It is a free, multi-generational event, he related.

He happened to be at Buttery Brook Park this afternoon at 1 p.m. scouting the park for the Lion's Club's projected dog show in May, SB Member DeToma interjected. More news about this event for dog lovers will be forthcoming.

Veterans would like to have residents reminded that tomorrow marks the 75th anniversary of Pearl Harbor, Mr. Sullivan added.

Chair Hine asked if anyone present wished to address the Selectboard under open forum

Linda L. Young of 15 Westbrook Road said she was hoping to be allowed to ask a question about the General Code project, and Mr. Hine confirmed that he would be accepting comments on this agenda item.

There was no consent agenda.

3. ACCEPTANCE OF RESIGNATION FROM BYLAW REVIEW COMMITTEE/OPEN SPACE COMMITTEE

Mr. Brezinsky moved to accept the resignation of Charles W. Sabourin from the Bylaw Review Committee. Mr. DeToma seconded with a note of thanks. The resignation is effective December 31st, Mr. Sullivan noted. The motion carried 5:0.

SB Member DeToma moved to accept the resignation of Nicole Sanford from the Open Space Committee. SB Member Brezinsky seconded with thanks for her service. The motion passed unanimously 5:0.

4. APPLICATION FOR APPOINTMENT TO CABLE TV ADVISORY/BYLAW REVIEW COMMITTEE

Jay Breuer was present to discuss his interest in appointment to either the Cable TV Advisory (CATV) or Bylaw Review Committee. He moved to South Hadley last year, having previously been a life-long resident of Connecticut. He has always lived in cities and is experiencing the atmosphere of a small town for the first time. He views serving on a committee as a chance to be more a member of the community and to take part in what's going on around him, he explained.

He is currently the business manager of the Apple store in Holyoke and has a lot of organizational and volunteer experience, he volunteered. He has also served on the board of trustees of a private high school and interned at the general assembly, so he is fairly familiar with government procedures.

Chair Hine asked if had a preference as to which committee he would like to serve on.

He probably would prefer bylaw review but, from a technology standpoint, if he is more useful on CATV he would be happy to join that board. He is from Waterbury, Connecticut, he said. He moved first to Sunderland, but it was a little too much on the farm side. He bought a place last May. He went to boarding school and has lived in five or six places since college, so he has moved around a lot and is looking forward to putting down roots, he shared.

Bylaw review is fairly technical in a different way, Ms. Etelman noted. She asked if this was something he had any interest in.

It is, Mr. Breuer confirmed. He has written a lot of policies and procedures at work, and he went to law school for a while and was a philosophy major in college, so he is comfortable with things of that nature, he indicated.

Mr. Sullivan brought out that Comcast's contract renewal is coming up, so this board's activity will accelerate in 2017 and 2018.

SB Member Brezinsky asked Mr. Sullivan his expectation for the type of meeting schedule the board will follow once the code review is done.

A meeting is scheduled for December 15, 2016 at the senior center at 3:30 p.m. to review the General Code project and make a recommendation to the Selectboard, Mr. Sullivan responded. The role of the committee is to look at bylaws and to be a listening post for residents. Board members will also be reviewing acceptances of sections of General Law to be entertained at Town Meeting. They could use help on both committees, he confirmed.

Mr. Forcier proposed appointing Mr. Breuer to the Bylaw Review Committee but encouraging him to participate with CATV.

SB Member Forcier moved to appoint Jay Breuer to the Bylaw Review Committee to a three year term ending June 30, 2019. SB Member Etelman seconded. The motion passed unanimously 5:0.

5. TAX CLASSIFICATION HEARING

It being after 7:10 p.m., Chair Hine opened the Tax Classification Hearing. Associate Assessor Melissa Couture presented the options for shifting the tax burden among the various classes of property. Fiscal 2017 is a revaluation year for the Town of South Hadley, and the town got final certification of its values Friday. Values have increased, she confirmed. Overall, the total town valuation increased by 2.2%, with residential property increasing 2.4%, not far from what was projected. Each year, the Selectboard determines whether to shift any of the burden of taxes from residential to commercial, she reminded. Town officials can also consider the options of an Open Space discount, Residential Exemption and a Small Commercial Exemption.

With regard to the Open Space discount, most parcels that qualify for this discount are on the mountain range and only 16 parcels are affected. The residential exemption gives a tax break to owner-occupied properties and is typically adopted in towns where there are a lot of rental properties. Fourteen communities adopted this option last year, which would affect about 1,050 properties in South Hadley. (These would see an increase in taxes.) The small commercial exemption applies to businesses with 10 or fewer employees, and only 36 parcels in town would be eligible.

Ms. Couture stressed that tax rates are still *proposed*, since everything gets submitted to the Department of Revenue and, until approved, is subject to change. The town tax rate was \$17.56 last year; this year it is \$17.83, representing an increase of 1.54%. For Fire District #1, the tax rate was \$2.29 last year and is flat at \$2.29 this year. For Fire District #2, the tax rate was 2.93 last year and is 2.83 this year, for a decrease of 3.41%.

The town had a hefty new growth figure (\$385,621) this year; higher than has been seen in years, she commented. Most is due to 16 brand new condominium units, 13 or 14 new houses and over 400 building permits. The overall tax levy is \$26,474,840.64, with a debt exclusion of \$1,312,775 for the new Plains Elementary School, library and High and Middle schools. The maximum the town is allowed to tax is \$26,480,094, so there is excess levy capacity of \$5,253.36.

Ms. Couture referred to charts in the packet showing the effect of shifting the tax rate between the open space/residential classes of property and the commercial/industrial/personal property classes. If town officials were to shift the rate the maximum amount allowable (150%), taxes on a \$100,000 residential property would go down by \$88 while the taxes on a \$100,000 commercial property would increase by \$891. The average value of commercial property in town is \$347,400, while the average value of a single-family home is \$235,200. With a tax rate of \$17.83, the average tax bill for a single-family home valued at \$235,200 will increase by \$124.97.

An analysis of the effect of the district rate change shows that the average tax bill for Fire District #1 would increase by \$8.02 while the average bill for District #2 would decrease by \$13.26, she advised.

The town has never utilized any of the exemptions and there has been a long-standing practice of not shifting the tax rate but staying at a factor of one, Ms. Couture observed.

Residential and open space land make up 91.03% of total value, while commercial, industrial and personal property makes up 8.09%. This is the first time the value of commercial/industrial property has gone under 9%. It was 11% some years ago, she reported. Residential real estate appreciates much faster than commercial, she noted.

The good news for this year is that the town has had a bit of commercial and industrial growth in new growth with big buildings going up on New Ludlow Road, she commented.

Chair Hine asked if she was looking for a motion from the Selectboard to adopt a factor of one.

Ms. Couture stressed that she is looking for whatever action the Selectboard is comfortable taking. Since the inception of Proposition 2 ½, the Selectboard has chosen a factor of one for all five classes of property, she confirmed.

Chair Hine opened the floor to public comment. There being none, **SB Member DeToma moved to accept the ratio of one for all five classifications of property. SB Member Forcier seconded. The motion passed unanimously 5:0.**

Mr. Taugher moved to adopt a factor of one for all classes of property in South Hadley Fire District #1 (SHFD #1) in the Town of South Hadley. Bruce Perron seconded. The motion passed 3:0.

Mr. Taugher also moved to authorize Monica Walton, Treasurer of SHFD #1, to electronically sign on behalf of the Prudential Committee for the Department of Revenue. Ray Miner seconded. The motion passed 3:0.

Upon motion made and seconded, the meeting of the SHFD #1 Prudential Committee was adjourned at 7:30 p.m.

On behalf of the Prudential Board of South Hadley Fire District #2 (SHFD #2), Mr. Constant moved to adopt a factor of one for all classes of property within SHFD #2 for FY 2017. Robert Lak seconded. The motion passed 3:0. Mr. Constant also moved to authorize Barbara Miller, Secretary/Treasurer of SHFD #2 to sign electronically. Mr. Lak seconded. The motion passed 3:0.

Upon motion made and seconded, the meeting of the SHFD #2 Prudential Committee was adjourned.

SB Member Etelman moved to authorize Mr. Sullivan to sign electronically. SB Member Forcier seconded. The motion passed unanimously 5:0.

6. THE ORCHARDS GOLF CLUB – APPLICATION FOR CHANGE OF MANAGER AND CHANGE OF MEMBERSHIP INTERESTS

At 7:30 p.m., **Chair Hine opened the Public Hearing upon the application for a Change of Manager and Change of Membership Interests for an All Alcohol Section 12 Club Liquor License held by Orchards, LLC, d/b/a The Orchards Golf Club, 18 Silverwood Terrace, South Hadley, MA 01075, Deborah A. Hartnett, Manager.**

John P. Connell of the Law Offices of John P. Connell, P.C. presented the application, accompanied by Deborah Hartnett.

Attorney Connell introduced Deborah Hartnett, the proposed manager of record. They are here to amend the license by amending the beneficial owner from the previous owner (Arnold Palmer Golf Management, LLC) to Randy Jones (100% member of Orchards, LLC), to make Randy Jones the sole manager of the LLC and to make Ms. Hartnett the manager of record, he explained.

Ms. Hartnett has worked at the Orchards Golf Course for 28 years and is TIPS certified, he confirmed.

Attorney Connell expressed his understanding that there were transfers in ownership in Orchards, LLC over the years that did not get updated with the licensing board. Mr. Jones is currently the sole owner/member, he stressed. He is here to officially update the record.

Mrs. Krutzler confirmed that the applicant has provided all necessary documentation to support the request, including proof of U.S. citizenship and Massachusetts residency for Deborah Hartnett, Beneficial Interest Form for Randy Jones, Corporate Vote of Orchards, LLC authorizing the change in membership interests and change in manager and Articles of Incorporation for Orchards, LLC.

SB Member DeToma asked if it would be appropriate to ask if the new management understands the special circumstances Orchards operates under since it is located in a residential neighborhood with restrictions on its hours of operation.

Mr. Sullivan said he thinks it is appropriate and expressed confidence that Ms. Hartnett is familiar with these special circumstances. When the Orchards recently hosted the Italian Open, Ms. Hartnett was in contact with the town and made sure the event fell within the guidelines of special permit conditions with respect to entertainment, beverage service, etc. The town has not had any complaints from residents. He expressed appreciation for the town's positive working relationship with Ms. Hartnett.

Chair Hine solicited public comments. There being none, he closed the public hearing.

SB Member Etelman moved to approve the change of manager and change of membership interests of Orchards, LLC, d/b/a The Orchards Golf Club. SB Member Forcier seconded. The motion passed unanimously 5:0.

7. UPDATE ON GENERAL CODE PROCESS

Mr. Sullivan thanked the numerous people who have joined town officials in reviewing the final draft, noting that it has been updated once already due to comments received. He reminded residents that Town Meeting is only reviewing the General Bylaws and Zoning Bylaws. Policies such as the Complete Streets policy, Town Common Use policy, etc. are included but do not require Town Meeting approval. When the finished document is posted to the website, it will include changes resulting from adoption of the Acts of 2012. Town officials had asked that these be included, but they did not get fully integrated into the draft document and he is working with General Code to incorporate them. The product is a better product than exists on the website now, he suggested. He shared his conclusion that it is a living document that will continue to need more research and refinement.

Mr. Sullivan apologized that there is no red line version. As it was explained to him, because sections have been reconstituted and reordered, it would be too cumbersome to use for comparison purposes. A summary of changes was provided and has been posted to the website. The Bylaw Review Committee will meet at the Council on Aging December 15, 2016 at 3:30 p.m. to review the bylaws and invites the public to attend. Town employees are working with General Code to have a representative participate remotely. A number of communities have completed this project; most changes are grammatical or scrivener's errors. In some cases, the wrong general law is cited and that has been corrected. Administrators wanted to make sure town bylaws are both internally consistent and consistent with Mass. general laws, he explained.

One of the most controversial changes is to a zoning bylaw discussed at a previous Town Meeting, Mr. Sullivan continued. Because it was determined that the bylaw is inconsistent with Massachusetts General Laws, General Code recommended that it be amended.

There are some fairly significant omissions, he acknowledged. He expressed the opinion that this is outweighed by the end result of making government more transparent in South Hadley. The finished product will continue to need regular updating, he confirmed.

Chair Hine expressed his understanding that once the update is adopted, the general bylaw will be caught up and subsequent changes will just be based on Town Meeting actions.

Mr. Sullivan clarified that a few changes that will not yet be incorporated by the time of the Special Town Meeting. He still supports presenting acceptance of the draft as a warrant article and hopes it will be approved. It has not been a perfect process but none of the errors discovered change the content or intent of the bylaws. Some of the mistakes pointed out exist in the present text, he observed.

General Code will be the town's partner in updating local bylaws going forward. Within 90 days of acceptance by the Attorney General, newly-approved bylaw changes will appear in the master document. The cost of this annual service is less than \$2,000. He still thinks it is a very good investment, he assured. Many other communities have seen this as a best practice. Ease of access for the public has been presented as one of the project's main benefits, and he is hoping to be able to demonstrate this prior to the Annual Town Meeting.

Chair Hine asked if it would be possible for Mr. Sullivan to demonstrate on-line access before the Special Town Meeting.

It is possible, but he would have to use another community as an example, Mr. Sullivan said.

Linda Young of 15 Westbrook Road asked if the references to the Clerk/Treasurer and Tax Collector being elected positions will be changed. She said she did not see this change in the draft.

The Acts of 2012 were supposed to be integrated into the document but have not yet been incorporated, Mr. Sullivan reiterated. For the time being, he is going to accept the word of the contractor that the code is a living document that will continue to be edited.

Mrs. Young noted that the appointment terms for different committees vary, with some being three years and others five. It seems inconsistent, she remarked. She would like to see the Selectboard look at this and see if it can be adjusted.

Chair Hine pointed out that Mrs. Young is proposing changes, while the General Code project is not meant to change existing bylaws.

General Code's presentation to the Bylaw Review Committee stressed that the intent is not to change the content or intent of a bylaw, Mr. Sullivan confirmed.

SB Member Brezinsky asked when the fact that the bylaw does not comport with the Acts of 2012 will get fixed.

Mr. Sullivan said he had hoped all updates would be incorporated in time for the Special Town Meeting, but it looks like it will be necessary to make another adjustment at the Annual Town Meeting. He encouraged people to send him further questions.

8. DRAFT WARRANT FOR JANUARY 11, 2017 SPECIAL TOWN MEETING.

The warrant contains 21 articles, beginning with a \$97,500 transfer from Free Cash for Phase I of improvements to Bicentennial Canal Park and ending with a Memorandum of Understanding (MOU) between the Gaylord and South Hadley Public Library (SHPL), Mr. Sullivan related. He reviewed the proposed articles, offering brief explanatory comments. [It was noted that, due to a typographical error, the draft warrant contains two Article #5's, so there are actually 22 articles.]

- Article 1 – request for \$97,500 to rebuild the deck, prune vistas, install new light fixtures, replace sidewalks and repave the parking area of Bicentennial Canal Park. Phase II will incorporate additional vista clearing and upgrades to pathways.
- Article 2 – request for \$48,000 for a police cruiser. Capital planning has approved replacing one cruiser in the fall and one in the spring, he advised.
- Article 3 – request for \$8,000 to buy pro shop items for the Ledges prior to the start of the season. The General Manager believes that the town will get between a 40 and 50% return on these items, he presented.

Mr. Brezinsky said he would like to see more detail on this request; specifically, why it cannot be accommodated within the regular budget. Staff has been working feverishly to close the deficit, and, with this operation, every dollar counts, he pointed out.

- Article 4 – request for \$38,000 for Public Building Repair/Maintenance. Unexpected expenses keep on coming, such as the cost to fix the roof/ceiling leak on the second floor, Mr. Sullivan reported. A bill for \$8,377 to change the hydraulic oil in the Police Department elevator was received today, and the Town Hall elevator had \$3,000 - \$4,000 of unexpected repairs. \$12,000 of the \$38,000 will be used to cover the increased cost of the Town Hall elevator rebuild based on actual bids received. (Capital Planning previously approved \$75,000 for this project to be funded through rolling debt, he reminded.)

SB Member Brezinsky asked if this would go to capital planning, and Mr. Sullivan said the expenses are strictly maintenance items below the threshold for capital projects. It would probably be beneficial to make them aware of the condition of the building, Mr. Brezinsky suggested.

- Article 5A - request for \$44,235 for Police Department buyouts. In addition to the retirement of Chief LaBrie, there was a buyout of accrued time off for Chief Parentela as he moved from the union to the management side of the work force and there is a large buyout in March for another retiring police officer. The town settled the police contract but money for these items was not included in the budget.
- Article 5b – request for \$82,000 for the DPW to create plans for the redesign of Main Street from the library to the Chicopee border. Reconstruction will be a three-phased plan. Town officials will make sure there is plenty of discussion of whatever design is proposed for the Main Street/Bridge Street intersection, he assured. DPW Superintendent Jim Reidy feels strongly that having 75% design plans for the project will make the town's grant applications more competitive. Communities getting Transportation Improvement Program (TIP's) and MassWorks funds are those that already have 75% designs.

The Redevelopment Authority is quite supportive of the project because it is consistent with its revitalization efforts, SB Member DeToma commented. It is certainly a worthwhile investment, he agreed.

- Article 6 – request for \$1,200 for Human Resources advertising.
- Article 7 – request for \$1,100 for Public Building Repair/Maintenance to expand the records retention project (King Information Systems) to the Police Department.
- Article 8 – request to transfer \$20,000 from Town Hall postage to the Collector/Treasurer for professional services. This represents the amount paid to a vendor for sending out tax bills and is not really a collective postage expense. The money is being restored to the budget where it really belongs, he indicated.
- Article 9 – proposal to accept Chapter 44 53 F3/4 to create separate revenue account for PEG access. This simply formalizes the existing accounting arrangement and does not change the way these funds are handled, Mr. Sullivan related. The action has been recommended by the auditor and Department of Revenue (DOR), he advised.
- Article 10 – proposal to establish a fund (similar to the OPEB account) for future payment of accrued liability for compensated absences (i.e. – vacation, etc.) due employees upon termination of employment. The town's current liability for these costs is estimated at \$1.3 million.
- Article 11 – Acceptance of Chapter 40, Section 57 as amended, part of “An Act to Modernize Municipal Financing and Government.” This law allows the town to withhold issuance of permits when outstanding taxes or fees are owed.
- Article 12 – Acceptance of Chapter 40, Section 58. Similarly, this provision allows the town to take collection action against property owners with outstanding tax balances up to six months earlier than presently allowed; now, towns have to wait 12 months before imposing a lien.

- Article 13 – proposes acceptance of General Code revisions to the general bylaws
- Article 14 – proposes acceptance of General Code revisions to the zoning bylaws
- Article 15 – proposes accepting Chapter 6, Section 172 B ½ to allow fingerprinting of ice cream vendors.

Article 16, 17 and 18 are street acceptances, seeking approval for the previously-unaccepted portion of Lawrence Avenue, Apple Road and Stewart Street Extension, respectively.

Article 19 proposes changing the wording of Section 412.1 of the General Bylaw, a description of the duties of the Canal Park Committee. The change is proposed by Canal Park Committee members.

Article 20 proposes a bylaw to ban the use of plastic bags with die-cut handles.

Article 21 asks voters to endorse the MOU between the Gaylord Library and SHPL and to authorize the moderator to sign the agreement on behalf of Town Meeting.

The Special Town Meeting warrant must be approved by December 20, 2016 in order to meet the posting deadline, Mr. Sullivan confirmed. The draft warrant has been posted to the website and appendices will be added tomorrow.

9. VALLEY BIKE SHARE AGREEMENT

The agreement was included in the packet and the business plan was circulated prior to the meeting. The proposal is to install two kiosks in South Hadley where people will be able to access easy rider bikes. The Bike/Walk Committee will help determine the most appropriate locations for the kiosks.

The original parties to the agreement received a \$1.7 million grant to cover start-up costs of the project. South Hadley came in later and so was accepted as part of Phase 2. South Hadley is the lead applicant for a regional initiative grant for the costs associated with the kiosks in South Hadley. By accepting the agreement, the Selectboard is committing the town to assume these capital costs if grant funding is not awarded. He qualified this statement by reminding members that everything in municipal life is subject to appropriation, so if the town does not approve the money, the agreement is null and void. He thinks it is a good investment but does not think the town will ever have to come up with the money, he stressed. It is not uncommon for towns to be required to commit money up front before being reimbursed for some state construction projects. If ultimately the Selectboard and Town Meeting do not approve the money, his signature is worthless, he confirmed.

Members scheduled the next Selectboard 'In the Community' event for Friday, December 16th at 7:30 a.m.

The art work of Elizabeth Sheridan will be coming down after the Selectboard meeting December 20th and Walter Morse's work will be displayed next, SB Member Etelman announced.

Pioneer Valley Planning Commission (PVPC) representatives will be at the next meeting to present the final bike study report. With inclement weather coming, Mr. Sullivan encouraged residents to sign up to receive emergency notifications through Civic Ready.

Upon motion made and seconded, the meeting was adjourned at 8:45 p.m.

RESPECTFULLY SUBMITTED,

**LAURA KRUTZLER
ADMINISTRATIVE SECRETARY**